

AMENDED IN SENATE MAY 29, 2012

AMENDED IN SENATE MAY 1, 2012

AMENDED IN SENATE APRIL 11, 2012

SENATE BILL

No. 974

Introduced by Senator Evans

(Coauthors: Assembly Members Achadjian, Alejo, Blumenfield,
Monning, V. Manuel Pérez, and Yamada)

January 19, 2012

An act to add Sections 5080.45 and 5080.46 to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 974, as amended, Evans. State parks: proposed closures.

Existing law authorizes the Department of Parks and Recreation to enter into agreements between the department and the federal and local governments and other public agencies for the care, maintenance, administration, and control of lands under the jurisdiction of any party to this agreement for the purpose of the state park system, as prescribed.

This bill would require the department, ~~by July 1, 2013,~~ to conduct a review of the parks that ~~are closed on July 1, 2012, or that are proposed, as of that date July 1, 2012, or thereafter,~~ for future closure. The bill would ~~also~~ require the review process required to be conducted pursuant to those provisions to include ~~specified elements~~ *an examination of proposed park closures recommended by the department, based on specified criteria.* ~~The bill would require the department, by July 1, 2013, and by July 1 of each year thereafter, to make a determination on the status of any state park that may be scheduled for future closure, based on the above-described park closure review~~

~~process.~~ The bill would require the department, no later than July 1, 2013, with respect to any park that is closed on or after July 1, 2012, to prepare a plan for the reopening of that unit of the state park system, *within one year from the date of a unit being closed to public access or the ending of all department support*, including specified information. *The bill would require the department to annually update any plan prepared pursuant to those provisions, if needed, or if there are any additional park closures on or after July 1, 2013, and to post a copy of the plan on its Internet Web site.*

The bill would require the department, no later than January 1, 2014, and by January 1 of each year thereafter so long as any unit of the state park system remains closed or is designated for closure due to budgetary restrictions, to prepare and submit to the Legislature a master parks reopening plan, which *shall be compiled from park reopening plans or updated park reopening plans required to be prepared pursuant to provisions of the bill, and that* sets out priority actions and determines a process for reopening any park that has been temporarily closed, to the extent that circumstances permit, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to enact
2 legislation that will facilitate the reopening of state parks that have
3 been temporarily closed as a result of California's fiscal crisis, at
4 the earliest possible time.

5 SEC. 2. Section 5080.45 is added to the Public Resources Code,
6 to read:

7 5080.45. (a) The department shall, ~~by July 1, 2013,~~ conduct
8 a review of the parks ~~that are actually closed on July 1, 2012, or~~
9 that are proposed as of July 1, 2012, *or thereafter*, for future
10 closure.

11 (b) The review of park closures required to be conducted
12 pursuant to subdivision (a) shall include ~~all of the following~~
13 ~~elements:~~

14 ~~(1) An~~ examination of proposed park closures recommended
15 by the department, ~~which includes~~ *based on* the criteria mandated
16 by Section 5007.

1 ~~(2) An analysis of economic impacts on local communities~~
2 ~~resulting from a proposed park closure.~~

3 ~~(3) A formal determination by the department as to whether an~~
4 ~~analysis is needed under Division 13 (commencing with Section~~
5 ~~21000). The analysis, if necessary, shall be conducted by the~~
6 ~~department.~~

7 ~~(4) Consideration of the costs of park closures, including, but~~
8 ~~not limited to, estimations of future costs for deferred maintenance,~~
9 ~~liability, and security.~~

10 ~~(5) An examination by the department of acquisition agreements~~
11 ~~entered into by the department and federal government pursuant~~
12 ~~to the California Wildlife, Coastal, and Park Land Conservation~~
13 ~~Act (Division 5.8 (commencing with Section 5900)) to ensure that~~
14 ~~those agreements are being honored and public access to the coast~~
15 ~~is being protected.~~

16 ~~(6) Provisions for the conduct of at least two public hearings,~~
17 ~~during which there is an opportunity for public comment and input.~~
18 ~~One of those meetings shall be held in northern California, and~~
19 ~~one shall be held in southern California. Public input and comments~~
20 ~~from those meetings, or submitted to the department in writing~~
21 ~~within 30 days of the meetings, shall be considered by the~~
22 ~~department in making any future park closure decisions.~~

23 ~~(7) Consideration and documentation of any other cost savings~~
24 ~~measures that may be taken to prevent park closures and meet the~~
25 ~~department's budgetary goals.~~

26 ~~(e) By July 1, 2013, and by July 1 of each year thereafter, the~~
27 ~~department shall make a determination on the status of any state~~
28 ~~park that may be considered for future closure, based on the park~~
29 ~~closure review process set forth in subdivision (b).~~

30 ~~(d)~~

31 ~~(c) (1) The department shall prepare a report that includes, for~~
32 ~~each park proposed for closure, information supporting the basis~~
33 ~~for that closure recommendation pursuant to the criteria prescribed~~
34 ~~in, as prescribed in subdivision (b), and any other relevant factors~~
35 ~~considered. A park closure report prepared pursuant to this~~
36 ~~subdivision shall be posted on the department's Internet Web site~~
37 ~~and there shall be a public comment period of 30 days following~~
38 ~~the date of release of the report. The department shall respond, in~~
39 ~~writing, to all public comments received within 60 days of the~~
40 ~~close of the comment period. The department's response to~~

~~comments~~ A park closure report prepared pursuant to this subdivision shall ~~also~~ be posted on ~~its~~ the department's Internet Web site. The department shall invite public comments on the report, for a period of 30 days after release of the report, including comments relating to requests for additional information about potential economic impacts on local communities, consideration of future costs incurred by the department related to park closures, and the safety and environmental impacts of park closures.

(2) The report prepared pursuant to paragraph (1) shall comply with Section 9795 of the Government Code.

(3) The department shall submit a copy of the park closure report required to be prepared pursuant to this section, including any public comments received, to the State Parks Commission and the Legislature.

(4) The park closure report shall be reviewed by the State Parks Commission at its regularly scheduled meetings as an agenda item.

~~(e)~~

(d) (1) No later than July 1, 2013, with respect to any park that is closed on or after July 1, 2012, the department shall prepare a plan for the reopening of that unit of the park system *within one year from the date of a park unit being closed to public access or the ending of all department support*. The plan shall include, at a minimum, all of the following:

(A) A description of any work that needs to be completed in order to reopen the park and address safety and health issues.

(B) A summary of resource protection issues, expected park usage, and revenue projections.

(C) Recommendations for staffing, maintenance, revenue generation projects, resource restoration, potential operating partners, and community involvement at the unit of the park system.

(D) A consideration of alternative strategies that may facilitate reopening the unit, including the transfer of the unit to another public entity.

(2) The department shall annually update any plan prepared pursuant to this subdivision if needed, *or if there are any additional park closures on or after July 1, 2013*, and shall post a copy of the plan on its Internet Web site.

~~(f)~~

1 (e) This section does not affect or interfere with any existing
2 agreements between the department and federal or local agencies
3 and nonprofits to operate any unit of the state park system that was
4 identified for closure in the May 2011 state park closure list, if
5 those contractual agreements have not expired.

6 SEC. 3. Section 5080.46 is added to the Public Resources Code,
7 to read:

8 5080.46. (a) No later than January 1, 2014, and by January 1
9 annually thereafter so long as any unit of the state park system
10 remains closed or is designated for closure due to budgetary
11 restrictions, the department shall prepare and submit to the
12 Legislature a master parks reopening plan, which ~~sets shall be~~
13 ~~compiled from park reopening plans or updated park reopening~~
14 ~~plans, and shall set out priority actions and determines determine~~
15 a process for reopening any park that has been closed, to the extent
16 that circumstances permit. The plan shall consider ways to facilitate
17 the reopening of any closed park through the use of department
18 staff and resources, or operating agreements with nonprofit
19 organizations or public agencies. The plan prepared pursuant to
20 this subdivision shall be posted on the department's Internet Web
21 site.

22 (b) The plan shall *utilize the department's recommendations*
23 *with regard to park closures and reopenings and shall* consider
24 the following criteria in prioritizing which parks shall be reopened:

25 (1) Whether a park had or may enter into operating agreements
26 with nonprofit organizations, and had prior to closure or may have
27 in the future significant community support as demonstrated
28 through community involvement and donations. ~~The department~~
29 ~~shall give priority to reopening parks that have a record of using~~
30 ~~operating agreements with nonprofit organizations for park~~
31 ~~operations, significant donations, and community support.~~

32 (2) The impact of a park closure, ~~including economic impacts~~
33 ~~of a closure,~~ on nearby communities.

34 (3) An evaluation of the potential for the reduction of
35 environmental and economic costs of deteriorating facilities,
36 liability, and security concerns relating to the reopening of a
37 particular park.

38 (4) Whether the reopening of a park would result in the reduction
39 of illegal activity and resource degradation.

1 (c) Nothing in this section is intended to prevent the department
2 from reopening any unit of the state park system that has been
3 closed where any source of nongovernmental funding has been
4 secured to maintain and operate that unit.

5 (d) *A copy of the department's master list of park closures shall*
6 *be posted on its Internet Web site.*

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